6-29-07

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OUR FILE:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

EXPRESS LABEL # ED 9 97 - 9 9 0 - 764 US DATE OF DEPOSIT: ____JUNE _26.

I hereby certify that this IS A PETITION TO NREVIVE AN ALLOWED, UNINTENTIONALLY ABANDONED APPLICATION, and includes: A Deposit Accout ORDER FOR THE REVIAL FEE OF \$400.00 AND A \$1,000 Deposit Account OREDER FOR THE ISSUE FEE, concerning patent Application Ser ial No. 10 / 609, 155, filed June 26, 2003. .Th is being sent by EXPRESS Mail, Post Office to Addressee" service under 37 CFR 1.01 on the date indicated above and is addressed to the Commissioner For Patents, Mail Stop PETITION

By: JoAnn Bates, Secretary

(signature) *****************

MAIL STOP: PETITION

COMMISSIONER FOR PATENTS

BOX 1450 P.O.

ALEXANDRIA, VA 22313-1450

Honorable Sir:

ENCLOSED HEREWITH:

1. PROPOSED AMENDMENT AFTER NOTICE OF ALLOWANCE;

2.

3. DEPOSIT ACC.ORDER (in duplicate) FOR \$1,000.00 ISSUE FEE DUE;

4. This Acknowledgement postcard (self addressed and stamped);

5. Express Mail Confirmation Letter.

Respectfully submitted,

By:

Marcus L. BATES

| JUN 26 | 2007 | Reduction Act of 199 |);; 5. no perso | One are required to respond to Application Number | U.S. Patent ar | d Trademi Linformatic | erk Offici on unless | o; U.S. DE Lit disolar | | 2006. OM | 8/21 (09-04) 8 0851-0031 COMMERCE titol number. |
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| Typed or printed r | шпе | MARCUS | n. R | AILD | | | Date | _MA3 | 726 | ,-20 | '07 / |

This collection of information is required by 37 CFR 1,5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will very depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Tradement Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1450.

PTO/SB/64 (04-07) Approved for use through 09/30/2007. OMB 0651-0031

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| PETITION FOR REVIVAL OF AN APPLICATION | FOR PATENT | Docket Number (Optional) |
| ABANDONED UNINTENTIONALLY UNDER 37 C | CFR 1.137(b) | #903 |
| Tames D. Mahan | • | |
| Application No.: 10/609/155 | Art Unit: | 3712 Michael A Brown |
| Filed: June 26, 2003 | Examiner: | Mi snaer |
| Title: Massage Table For Adjusting Spinol area | j | |
| Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX (571) 273-8300 | | |
| NOTE: If information or assistance is needed i Information at (571) 272-3282. | n completing this for | rm, please contact Petitions |
| The above-identified application became abandoned for faction by the United States Patent and Trademark Office. To date of the period set for reply in the office notice or action p | ne date of abandon | ment is the day after the expiration |
| APPLICANT HEREBY PETITIONS FOR | REVIVAL OF THIS | APPLICATION |
| NOTE: A grantable petition requires the followi (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer filed before June 8, 1995; and for all (4) Statement that the entire delay was | fee - required for all | utility and plant applications s; and |
| | | ntity status. See 37 CFR 1.27. |
| Other than small entity – fee \$(37 C | CFR 1.17(m)) | |
| 2. Reply and/or fee A. The reply and/or fee to the above-noted Office the form of | (| |
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[Page 1 of 2]

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This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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JAMES D. MAHAN

OUR FILE NO. _903

[Petition.rtf] 06-25-07

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. 10/609,155 Confirmation No. 7877

Applicant : JAMES D. MAHAN

Filed

: JUNE 26, 2003

For

MASSAGE TABLE FOR ADJUSTING SPINAL AREA

Examiner : MICHAEL A. BROWN

Art Unit: 3772

Customer No :

PETITION TO REVIVE INADVERTENT AND UNINTENTIONAL

ABANDONED APPLICATION

UNDER 37 CFR 1.137(B) PTO/Sb/64

RESPONSE TO THE "NOTICE OF ABANDONMENT" DATED APRIL 26, 2007 (RECEIVED MAY 4, 2007)

Mail Stop: PETITION Commissioner of Patents

P.O. BOX 1450

ALEXANDRIA, VA 22313-1450

HONORABLE SIR: JUNE 26, 2007

Now comes Marcus L. Bates, your Petitioner, who does declare that he is the practitioner who prepared and prosecuted the above identified patent application that is the subject of this Petition.

That on February 28, 2007, the Issue Papers were prepared, [Exhibit #1, copy attached hereto], 12 days before the issue fee due date of March 12, 2007.

That prior to driving to the Odessa, Texas, U.S. Post Office for "Express Mailing" the required Issue papers and Deposit Account Order for payment of the Issue fee of \$1,000 to the Honorable Commissioner of Patents, I did discover that a typographical error, or oversight by the Patent Office, had neglected to include allowed Claims 10, 11, 12 and 13 in the Notice of Allowance and Issue Fee Due papers.

After discussing the several possible steps we should take with my wife, JoAnn Bates, who has assisted me as my highly trained (legal aid and office manager for over 42 years, we concluded that we had best select one of the following actions:

1. In as much as the Issue Papers were prepared for

mailing, along with all the additional papers required, we could have simply mailed everything, and included a letter to the Honorable Commissioner of Patents, stating that the Examiner had also allowed Claims 10 - 13 and that all 13 allowed claims should be included in the Issued Letters Patent, instead of only Claims 1 through 9, as improperly noted on the Issue Papers.

- 2. Alternatively, we could have simply "red ink corrected" the issue papers, changing the incorrect number of allowed Claims from 1 9 to Claims 1 13, and additionally placing a note in the issue papers stating my reason for this unusual correction, since all of this was on record and beyond question.
- 3. Another possible step we could select was to telephone Examiner, Mr. Michael Brown, and take advantage of his wisdom. This is the cure we elected to pursue for several reasons, among which are: The Examiner would likely cure the dilemma by Examiner's Amendment; or, He just might be able to come up with guidance superior to our thoughts.

Accordingly, on February 28, 2007, I telephoned Examiner Brown.

Examiner Brown was unavailable, so I telephoned his Superior, Mr. Gergory Hudon and explained the problem; whereupon

Mr Hudon said that he was no longer in Examiner Brown's division but that he would personally hand carry the message to Examiner Brown. I might have discussed the time constraint involved with Examiner Mr. Hudon, I simply do not remember that specific aspect of the conversation.

Sometime later, Ex Brown returned the call. I discussed each of the above possible solutions with Examiner Brown, and He told me:

- (1) that he could not carry out my suggested cure of the dilemma by Examiner's Amendment;
- (2) that I should not ink correct the issue papers;
- (3) that it would be necessary for him to send "new, corrected papers" to me.

Therefore, I was confident that sooner or later a new, corrected office action and issue papers would arrive in our mail. We often are as much as 10 days obtaining mail from the U.S. Patent Office so we realized that the lost motion involved would likely require several weeks, but with my understanding that new papers were on the way we would of necessity be granted additional time for response, along with a newly dated Notice of Allowance and Issue Fee Due Papers, both providing a new due date.

Instead, like a bolt of lightening from nowhere, a "Notice of Abandonment" (DATED APRIL 26, 07) arrived in the mail on MAY 5th, almost nine weeks after our conversation with Examiner Brown. We were shocked, but upon our study of the situation, it was almost to be expected, for a corrected Notice of Allowance and Issue Fee Due papers surely would arrive in due course, so we could relax and complete our task of getting the papers completed, for an Examiner in the US Patent Office has never let us down during our many years of patent practice and perhaps prosecuting close to 1,000 patent applications filed, most of which have issued as a U.S. Letters Patent.

I immediately telephoned Examiner Brown and was unable to get in touch with him, so we left a message, requesting that he call us as soon as possible. Examiner Brown returned our call and informed me that he did not recall telling me that he would send the new papers. I explained to him that I am 80 years old, a former Examiner, had practiced patent law 42 years, and never had an Examiner to let me down. His reply was that there was nothing he nor his new Boss could do. So now, it appears that this "Petition to Revive" is the only choice we have to retrieve and

reinstate this unintentionally and inadvertent abandonment of the allowed application.

We will not charge the Inventor a dime for the several weeks of frustration and loss of sleep this situation has caused, for the fault does not lay at the inventor's and I do feel that we acted prudently, timely, and respectfully, based on our conversations with Examiner Brown.

Under the circumstances I cannot conjure up any compelling reason why I should not have followed my original but incorrect procedure, for in hindsight this would have avoided the present terrible problem. However we definitely were instructed by Examiner Brown not to amend the issue papers, and not to mail the present issue papers, because new papers would have to be mailed to us. We thought We were doing the Examiner a courtesy in not calling undue attention to his overlooked allowed claim numbers, and that he would come up with a timely solution to the probable typographical error. Even though JoAnn and I try to be very cautious of everything we mail to the Patent Office, but even so, both of us also overlooked the error until only a short time before the issue fee was due. We are willing to do whatever is necessary to save this Inventor's patent application and

eventually his issued U.S. Letters Patent.

Every paper and fee required to issue this patent application is enclosed herein, exactly as it was when it was when it was ready to mail to the Patent Office twelve days prior to the issue fee due date. The number of allowed claims need correcting to reflect allowed Claims 1-13, instead of as listed in the Notice of Allowance papers. More than adequate funds for the Issue Fee were in our deposit account during all the time that the signed issue papers were being purposely held here in West Texas, in accordance with our understanding of Examiner Brown's verbal instructions.

The Honorable Comissioner of Patents is respectfully requested to render a decision that this delay is an "Inadvertent and Unintentional" delay caused by circumstances clearly beyond everyone's control, for everyone involved herein appears to have tried to act equably. Unfortunately, I no longer hear as well as desired, and for this reason my wife, secretary, JoAnn, sometimes does most of the telephone listening and passes the information on to me so we all understand what is being agreed upon, on the rare occasions we telephone an Examiner. People my age sometime do not have perfect recall. However, it is respectfully pointed out that

only a short time ago, I passed my flight physical exam, so I am an active private pilot and not as senile as many unfortunates my age.

Favorable consideration and acceptance of this Petition to Reinstate the inadvertently and unintentally abandoned patent application is respectfully requested by causing the enclosed exhibit #1 to be corrected and filed while the unexpected and unintentional interlude is somehow eradicated, excused, or canceled.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

A \$400.00 Deposit Account Order (in duplicate) is enclosed to cover the cost of this Petition.

Also enclosed is a second Deposit Account Order in the

amount of \$1,000.00 to cover the issue and printing fees.

Review and approval of this Petition to Revive is respectfully requested.

Respectfully submitted,

Marcus L Bates

Marcus L. Bates Registration No. 22579 Agent for Applicant

MLB/jab

Phone: 432-563-2885

Enclosed:

Exhibit I. The issue papers that were prepared and made ready for mailing to the USPTO 12 days prior to the due date. Included are \$400.00 Deposit Account Order for "Petition" fee and \$1,900 > 16
Deposit Account Order for Issue Fee.

Exhibit II. Original Notes taken by JoAnn Bates and Marcus Bates during conversations with Examiner Brown on 2 occasions.

END OF AFFIDAVIT

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MARCUS L. BATES

CITY, STATE, ZIP COM DESSA, TEXAS

YOUR ORDER NO.

9007 SOUTH COUNTY ROAD 1315

79766



JAMES D. MAHAN

OUR FILE NO. 903

[petition.jab]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

10/609,155 Confirmation No. 7877

Applicant : JAMES D. MAHAN

Filed : JUNE 26, 2003

For

: MASSAGE TABLE FOR ADJUSTING SPINAL AREA

Examiner : MICHAEL A. BROWN Art Unit: 3772

Customer No :

PETITION TO REVIVE INADVERTENT AND UNINTENTIONAL

ABANDONED APPLICATION

UNDER 37 CFR 1.137(B) PTO/Sb/64

RESPONSE TO THE "NOTICE OF ABANDONMENT" DATED APRIL 26, 2007 (RECEIVED MAY 4, 2007)

Mail Stop: PETITION Commissioner of Patents

P.O. BOX 1450

ALEXANDRIA, VA 22313-1450

Affidavit of JoAnn Bates in re Petition to Revive

HONORABLE SIR:

JUNE 26, 2007

Now comes JoAnn Bates, your Petitioner, who does declare that she is the wife (for past 54 years) and personal secretary and office manager (for past 42 years) of Marcus L. Bates, the practitioner who prepared, and prosecuted the above identified patent application which is the subject of this Petition.

That on February 28, 2007, the Issue Papers were prepared, [Exhibit #1, copy attached hereto], 12 days before the issue fee due date of March 12, 2007.

That prior to driving to the the Post Office in Odessa, Texas, to "Express Mail" the required Issue papers and Deposit Account Order for payment of the Issue fee of \$1,000 to the Honorable Commissioner of Patents, Marcus L. Bates, Agent of Record, discovered that a typographical error, or oversight by the Patent Office, had neglected to include allowed Claims 10, 11, 12 and 13 in the Notice of Allowance and Issue Fee Due papers.

After Marcus Bates and I discussed the several possible steps he could take, he concluded to select one of the following available actions:

1. Since the Issue Papers were prepared for mailing, along with all the additional papers required, he could have simply

mailed everything, and included a letter to the Honorable Commissioner of Patents, stating that the Examiner had also allowed Claims 10 - 13 and that all 13 allowed claims should be included in the Issued Letters Patent, instead of only the indicated Claims 1 through 9, as improperly noted on the Issue Papers.

- 2. Alternatively, another choice was to simply "red ink correct" the issue papers, changing the incorrect number of allowed Claims from 1 9 to allowed Claims 1 13, and additionally place a statement to the Honorable Commissioner in the issue papers, setting forth the reason for such an unusual correction, for after all this fact was on record and beyond question.
- 3. Another possible step he could select was to telephone Examiner Michael Brown, and take advantage of his wisdom. This is the cure he elected to pursue for several reasons, among which were: The Examiner would likely cure the dilemma by Examiner's Amendment; or possibly be able to come up with guidance superior to to Marcus' limited choices.

Accordingly, on February 28, 2007, Marcus telephoned Examiner Brown.

Examiner Brown was unavailable, so Marcus telephoned Examiner Brown's Superior, Mr. Gergory Hudon, and explained the

problem; whereupon Mr Hudon informed Marcus that he was no longer in Examiner Brown's division but that he would personally hand carry the message to Examiner Brown. Marcus might have discussed the time constraint involved with Examiner Hudon. However, neither Marcus nor I remember that specific aspect of the conversation.

Sometime later, Ex Brown returned the call. Marcus discussed each of the above possible solutions with Examiner Brown, and was told:

- (1) that he could not carry out Marcus' suggested cure of the dilemma by "Examiner's Amendment";
- (2) that Marcus should NOT ink correct the issue papers;
- (3) that it would be necessary for the Exaaminer to send "new, corrected papers" to Marcus.

Therefore, we were confident that sooner or later a new, corrected office action and issue papers would arrive in our mail. We often are as much as 10 days or more receiving mail from the U.S. Patent Office, so we both realized that the lost motion involved would likely require several weeks, but with Marcus' understanding that new papers were on the way he would of necessity be granted additional time for response, along with a newly dated Notice of Allowance and Issue Fee Due Papers, both providing a new due dates.

Instead, like a bolt of lightening from nowhere, a "Notice of Abandonment" (DATED APRIL 26, 07) arrived in the mail on MAY 5th, almost nine weeks after Marcus' conversation with Examiner Brown. We both were shocked, but upon further consideration of the situation, it was almost to be expected, because a corrected Notice of Allowance and Issue Fee Due papers surely would arrive in due course, so we could relax and complete the task of getting the papers completed. It is true that an Examiner in the US Patent Office had never let Marcus down during our many years of patent law practice, and perhaps prosecuting close to 1,000 patent applications filed, most of which have issued as a U.S. Letters Patent.

Marcus immediately telephoned Examiner Brown and was unable to get in touch with him, so he left a message, requesting Examiner Brown return the call as soon as possible. Examiner Brown returned the call and informed Marcus that he did not recall telling Marcus that he would send the new issue papers. Marcus explained to Examiner Brown that he was 80 years old, a former Examiner, had practiced patent law in Odessa, Texas, for more than 42 years, and never had an Examiner to let him down. Examiner Brown' reply was that there was nothing he nor his new Boss could do. So now, it appears that this "Petition to Revive" the inadvertent and unintended abandonment of the allowed application

is the only choice available to retrieve and reinstate this patent application.

We will not charge the Inventor a dime for the several weeks of frustration and much loss of sleep this situation has caused, for the fault does not lay at the inventors feet, and I do feel that Marcus acted prudently, timely, and respectfully, based on Marcus' and my conversations with Examiner Brown.

I do recall one conversation with Examiner Brown during which I specifically informed him that the issue fee was due on March 12, 2007.

Under the circumstances Marcus cannot conjure up any compelling reason why he should not have followed his own original, but incorrect procedure, other than he was definitely instructed by Examiner Brown, ie: not to amend the issue papers, and not to mail the present issue papers to the Patent Office, because new papers would have to be mailed to him. Marcus thought we were doing the Examiner a courtesy in not calling undue attention to his overlooked allowed claim numbers, and that the Examiner would come up with a timely solution to the probable typographical error.

Marcus and I try to be very cautious of everything mailed to or from the Patent Office, but even so, both of us also overlooked the error until only a short time before the issue fee

was due. Marcus and I are willing to do whatever is necessary to save this Inventor's patent application and eventually his issued U.S. Letters Patent.

Every paper and fee required to issue this patent application is enclosed herewith (Exhibit Number 1), exactly as it was when it was ready to mail to the Patent Office 12 days prior to the issue fee due date. The number of allowed claims need correcting to reflect allowed Claims 1-13, instead of as listed in the Notice of Allowance papers.

More than adequate funds for the Issue Fee were in our Deposit Account during all the time that the signed issue papers were being purposely held here in West Texas, in accordance with our understanding of Examiner Brown's verbal instructions.

This unwanted situation is an "Inadvertent and Unintentional" delay caused by circumstances clearly beyond everyone's control, for everyone involved herein appears to have tried to act equably. Unfortunately, Marcus no longer hears as well as desired, and for that reason I sometimes do some of the telephone talking and/or listening and immediately pass the Examiner's information on to Marcus, during the conversation, so that we all understand what is being agreed upon, and then one of us again talks to the Examiner on the rare occasions Marcus telephones an Examiner. Also, some people Marcus' age sometime do

not have perfect recall, therefore we try to make notes as the conversation continues.

However, it is respectfully pointed out that only a short time ago, Marcus passed his flight physical exam, and is an active private pilot, and not as senile as many unfortunates his age.

Acceptance, Favorable consideration and approval of this Petition to Reinstate the Inadvertent and Unintentally Abandoned Patent Application is respectfully requested, by causing the enclosed Notice of Allowance (exhibit #1) to be accepted and corrected and filed while the unexpected and unintentional interlude is somehow excused, or canceled.

A \$400.00 Deposit Account Order (in duplicate) is enclosed to cover the cost of this Petition.

Also enclosed is a second Deposit Account Order in the amount of \$1,400.00 to cover the issue and printing fees.

Review and approval of this Petition to Revive is respectfully requested.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false

statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Joann Bates Wife and secretary

To Marcus L. Bates Registration No. 22579

Agent for Applicant

JAB/jab Phone: 432-563-2885

Enclosed:

Exhibit I. \$400.00 Deposit Account Order (in duplicate) for "Petition" fee: and \$1,400 Deposit Account Order for Issue Fee;

Exhibit II. Copy Notes taken during conversations with Examiner Brown on 2 occasions;

END OF AFFIDAVIT of JoAnn Bates

Jo Onn Sofee 06-26-07

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450

Alexandria, Virginia 22313-1450

or <u>Fax</u> (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed whe

| indicated unless correct maintenance fee notific | ted ocion of differed of | ing the Patent, advance of therwise in Block 1, by (| orders and notification of a) specifying a new corre | maintenance fees s espondence address | will be n s; and/or | nailed to the curren (b) indicating a sep | correspondence address arate "FEE ADDRESS" |
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| 17 17 18 OC | 1. Marcus Bates 07 S County Road 1315 lessa, TX 79766-8718 | | | MARCUS L. I | BATES | REG. #22,5 | 79 (Depositor's name |
| 08 | essa, IX 79700-0710 | | | March J | ma. 2 | 6, 2007 | (Signaturi |
| APPLICATION NO. | FILING DATE | | FIRST NAMED INVENTOR | , | | NEY DOCKET NO. | |
| 10/609,155 | 06/26/2003 | | James D. Mahan | · · · · · · · · · · · · · · · · · · · | ATTOR | | CONFIRMATION NO. |
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26 . 2007 22579 Registration No.

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| or Application No. 1 | 0/609,155 | | | | | | | |
| For Inventor : J. | AMES D. MAHAN | | | | | | | |
| Filed : J | UNE 26, 2003 | | | | | | | |
| Entitled : M | ASSAGE TABLE FO | R ADJUSTING SI | PINAL ARE | :A | | | | |
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/609,155 | 06/26/2003 | James D. Mahan | #903 | 7877· |

TITLE OF INVENTION: MASSAGE TABLE FOR ADJUSTING SPINAL AREA

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE | |
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| TRANSMITTAL FORM First Named Inventor JAMES D. MAHAN Art Unit 3772 Examiner Name MICHAEL A. BROWN After Allowance Communication to TC Contribution of Pagus in This Submission ENCLOSURES (Check all thet apply) Fee Transmittal Form After Allowance Communication to TC Appeal After Final Petition to Convert to a Provisional Application Power of Attorney, Revocation Change of Correspondence Address After Allowance Communication to TC (Appeal and Interferences Appeal Communication to TC (Appeal Communication to TC (Appeal Hotice, Brief, Reply Brief) Proprietary Information Change of Correspondence Address Status Letter Other Enclosure(a) (please Identify below): Express Abendonment Request Information Disclosure Statement CD. Number of CD(s) Lendscape Table on CD Remarks SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Imm Name MARCUS L. BATES, PATENT LAW PRACTICE MARCUS L. BATES MARCUS L. BATES MARCUS L. BATES | Under the Pa | remote Reduction Act of A | en persons are required to respond | to a collection of informat | nerk Office; U.S. DEPARTMENT OF COMMERCE |
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June 21, 2006 Lesponse L

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Int office action Inducted Cls 1-13 allowable when amenda ever-Notice of = andecater of cls 1- grallowed Should have been cles 1-13 - all the clair allowed. Brown. - Phone 571-272-4972 or Boss Gregory Huson - 571-272-4887 unana may 3-5-Receives - Notice of Othanson Date de Trail Ill.

Leb. 28, 2007 - Telecon To Examener Michael

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Mach 01,09

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Tell him problem - he would send new

- paper of restart time.

Allean Hodg My Brown Who Grid all of & h will send up another

- paper so all of Ok. The Typo

was regartled & all ols 1-13 allowed.

MIB JAB

- 1. visailed response to office action ____ Elected to prosecute claime 13-413 personer filed 7-21-06
- 2. Rec Notice of allowance = fee du March 12, 2007 Claims 944 Us 1-9 allowed = papere dated
- 3. in preparing issue for papers, discovered that the issue papers noted only claime 1-9 as 13 being allowed should have been Claims 1-14.
- 4. Called Ex Brown No answer Let. 28, 2007
 Called Ex Brown's Supervisor Let. 28-2007

 He said No longer Brown's supervisor but he would hand
 corry info to Mr. Brown message: only cle 1-9 on = paper

 should be cle 1-13:
- 5. Et Brown returned Call, long discussion-MLB suggested Red inkin correct cl. #5. Ex B said do Not do that.

 ecouse the would send new papers correcting error. Specifically Noted to Ex Brown that = fee was due march 12 th 2007. Ex Brown accounted m2B that he would get corrected papers ont as soon as Possible. They arrived on well past the = feedul dall.
 - 6. Received "Notice of aboundonment" doted april 26th on or about may 5, 2007.
 - T. Called Et Brown May 22,2001- & ask what we can do about receipt of N of A. very unhappy. ask what we can do Now. Said he could do Nothing. Suggested "Petition to. Revive". but he would consult with his new supervisor & let us know.
 - 8. Called Ex Brown's New supervisor unavoidable left message to return our call. She did Not!

Telecon to Examena Brosen. re:

Notice of Abandanment - dated april 26,2007

Notice of Abandanment - dated april 26,2007

Mr. Brown said he did not thank power to

Mr. Brown said he did not thank power to

Extend = fee due date - & that he would talk

Extend = fee due date - & frudouthot can be

to Ris superior (a lady) 17 to see what can be

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Monday is a holiday

Wed, May 30, 2007 Star 591.

Keisel. 571 272 4929

24927

May 30,07
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2. Delecon to Ex Brown:

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he said not prescible.

asked Ex Brown to perint me to have

correct = popular by morely changing the

number 4 = clo - he said no.

Ef Brown said new = paper Wood be necessary - we understood be would send new = paper.

Lukag Waggo, 07 Et Krown Das not an. his phone - brax Harron en leace. Calle his phone - brax Harron en leace. Calle 4 Keisel (recording). No aname, called ion 1-800-870-9199 - line buig + 5:00 DC Time. Ou ogain & got "Solveine" X 2 P

New

Ex Brown's/ Superior Boss

571-272-4940

Patrita Biaenco-

1 4002, 012 Engotation Notice of alrandon month Brown - phone 571-272-4972 2 Boss angry Huson-571-272-4887 indicates and 1-9 allowed 1) lat office action underected the 1-13 allowelle when amon have been cla 1-13-all this 2. However - a masses of the 1- grade 24.28, 2007 - Tilsen TB & 3-5- Keceiver -1. 1-13 allowed Witer of aslowance, proper



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| 10/609,155 | 06/26/2003 | | James D. Mahan | | <u> </u> | #903 | 7877 |
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| 5. Change in Entity Stat | us (from status indicated | i above) | overpayment to be | ASSI ACCOUNT NUMBE | OFIL | enciose an | extra copy of this form). |
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| MARCUS L. BA 9002 SOUTH CO ODESSA, TX 797 | 590 12/12 ATES UNTRY ROAD 1 | JUN 2 6 2007 | pers. Each additionally in the second sectificate its own certificate KPRESS MAI Certify that the second se | is certificate il paper, such of mailing of L NO tificate of M is Fee(s) Tra with sufficient | cannot be used for h as an assignment or transmission. ED 997 failing or Transmittal is being anismittal is being anismit an | r domestic mailings of the grany other accompanying to r formal drawing, mu 990 7.999 7.6 mission Capacited with the Unite to class mail in an envelopabove, or being facsimite indicated below. | |
| • | | | | Marcus I | . Bate | es | ' (Depositor's name |
| | | | | (Signature | | | |
| | | | L | JU | INE 26 | , 2007 | (Date |
| APPLICATION NO. | FILING DATE | | FIRST NAMED INVENTO | R | ATTORNEY | DOCKET NO. | CONFIRMATION NO. |
| 10/609,155 | 9,155 06/26/2003 | | James D. Mahan | | #903 | | 7877· |
| TITLE OF INVENTION: | MASSAGE TABLE FO | OR ADJUSTING SPINA | L AREA | | | | |
| APPLN. TYPE | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DU | PREV. PAID ISSUI | E FEE TO | TAL FEE(S) DUE | DATE DUE |
| nonprovisional | YES | \$700 | \$300 | \$0 | | \$1000 | 03/12/2007 |
| EXAMINER | | ART UNIT | CLASS-SUBCLASS | 7 | | | |
| BROWN, MICHAEL A | | 3772 | 601-049000 | | | | |
| 1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached. "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required. | | | 2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. | | | | |
| 3. ASSIGNEE NAME ANI PLEASE NOTE: Unles recordation as set forth i (A) NAME OF ASSIGN | s an assignee is identi n 37 CFR 3.11. Comp | | THE PATENT (print or to data will appear on the T a substitute for filing at (B) RESIDENCE: (CIT | patent. If an assigned assignment. | | ed below, the do | cument has been filed fo |
| Please check the appropriat | e assignee category or | categories (will not be pr | rinted on the patent): | Individual Co | rporation or | other private grou | p entity Governmen |
| 4a. The following fee(s) are XX Issue Fee XXX Publication Fee (No: Advance Order - # o | small entity discount p | ermitted) | Payment of Fec(s): (Please first reapply any previously paid issue fee shown above) A check is enclosed. Payment by credit card. Form PTO-2038 is attached. The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 02-1265 (enclose an extra copy of this form). | | | | |
| 5. Change in Entity Status XX a. Applicant claims S | MALL ENTITY statu | l above) s. See 37 CFR 1.27. | b. Applicant is no lo | nger claiming SMAL | L ENTITY: | status. See 37 CFI | R 1.27(g)(2). |
| NOTE: The Issue Fee and Finterest as shown by the rec | Publication Fee (if requords of the United State | ured) will not be accepted es Patent and Trademark | d from anyone other than Office. | the applicant; a regis | stered attorne | ey or agent; or the | assignee or other party is |
| Authorized Signature | | | | Date JUN | | 2007 | |
| Typed or printed Managers L. BATES | | | | Registration N | o. 22,5 | 79 · | |

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